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BAMBI FAIVRE WALTERS			MATTIS, JASON E	
PO BOX 574 WILLIAMSI	BURG, VA 23188		ART UNIT	PAPER NUMBER
	•		2665	
			DATE MAILED: 11/22/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)			
<b>,</b>		09/855,804	ROBERTS ET AL.			
•	Office Action Summary	Examiner	Art Unit			
		Jason E Mattis	2665			
Period fo	The MAILING DATE of this communication ap or Reply	pears on the cover sheet w	ith the correspondence address			
THE   - Exter after - If the - If NC - Failu Any I	ORTENED STATUTORY PERIOD FOR REPL MAILING DATE OF THIS COMMUNICATION. In significant may be available under the provisions of 37 CFR 1. SIX (6) MONTHS from the mailing date of this communication. In period for reply specified above is less than thirty (30) days, a reply period for reply is specified above, the maximum statutory period reto reply within the set or extended period for reply will, by stature to received by the Office later than three months after the mailing patent term adjustment. See 37 CFR 1.704(b).	136(a). In no event, however, may a oly within the statutory minimum of thi will apply and will expire SIX (6) MO e, cause the application to become A	reply be timely filed ty (30) days will be considered timely. NTHS from the mailing date of this communication. BANDONED (35 U.S.C. § 133).			
Status						
1)	Responsive to communication(s) filed on	,	·			
2a)[_	This action is <b>FINAL</b> . 2b)⊠ Thi	s action is non-final.				
3)□	3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Dispositi	on of Claims					
5)□ 6)⊠ 7)□	Claim(s) 1-27 is/are pending in the application 4a) Of the above claim(s) is/are withdra Claim(s) is/are allowed. Claim(s) 1-27 is/are rejected. Claim(s) is/are objected to. Claim(s) are subject to restriction and/a	awn from consideration.				
Applicati	on Papers					
9)□	The specification is objected to by the Examin	er.	1			
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.						
	Applicant may not request that any objection to the	drawing(s) be held in abeya	nce. See 37 CFR 1.85(a).			
11)	Replacement drawing sheet(s) including the correct The oath or declaration is objected to by the E	·	• • • • • • • • • • • • • • • • • • • •			
Priority u	ınder 35 U.S.C. § 119	•				
12) [ a)[	Acknowledgment is made of a claim for foreign All b) Some * c) None of:  1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority document application from the International Bureasee the attached detailed Office action for a list	ts have been received. ts have been received in A prity documents have beer nu (PCT Rule 17.2(a)).	Application No  received in this National Stage			
	e of References Cited (PTO-892)	4) Interview	Summary (PTO-413)			
3) 🛛 Inform	e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO-1449 or PTO/SB/08 r No(s)/Mail Date <u>10/2001</u> .		s)/Mail Date nformal Patent Application (PTO-152) 			

Application/Control Number: 09/855,804 Page 2

Art Unit: 2665

#### **DETAILED ACTION**

#### Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 26-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claims 26-27, both of these claims state, "... wherein the communication session...". There is not prior mention of a communication session in either claims 26 and 27 or in claim 21, which claims 26 and 27 depend on. It appears that claims 26-27 would be more clear if they were to depend on claim 25 that states, "... establishing a communication session...".

### Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section

Art Unit: 2665

351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 11-15 and 21-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Achuthan et al. (U.S. Application 09/738668).

With respect to claim 11, Achuthan et al. discloses a method of routing an incoming call from a calling party for a telephone of a subscriber (See page 2) paragraph 17 of Achuthan et al. for reference to routing a call to a subscriber and alerting the subscriber of a call). Achuthan et al. also discloses associating a number of the subscriber with priority caller information (See page 2 paragraph 20 and Figure 3 of Achuthan et al. for reference to a memory 122 storing a data structure 210 having fields that associate a user, or subscriber, ID 220 with a source caller ID 222 and with a priority ID field 224). Achuthan et al. further discloses storing the subscriber number and the priority caller information in a database (See page 2 paragraph 20 and Figure 3 of Achuthan et al. for reference to storing the user ID field 220, the source ID field 222, and the priority ID field 224 in a data structure table 210 of memory 122). Achuthan et al. also discloses detecting the incoming call (See page 2 paragraph 22 and Figure 4 of Achuthan et al. for reference to detecting an incoming communication, or call, at step 300). Achuthan et al. further discloses consulting the database to determine whether the incoming call comprises the priority caller information (See page 2 paragraph 22 and Figure 4 of Achuthan et al. for reference to searching the table 210 for an entry that identifies the source ID field 222 and corresponding priority ID field 224 of the incoming call, at steps 308

Art Unit: 2665

and 310). Achuthan et al. also discloses executing a priority action if the incoming call comprises the priority caller information (See page 2 paragraph 22 and Figure 4 of Achuthan et al. for reference to if an entry is found in the table 210, generating the specific prompt, which is a priority action, that is specified by the table entry, at step 312). Achuthan et al. further discloses that the priority action comprises ringing a telephone associated with the telephone line with a priority alert signal that is different from a regular ringing tone (See page 2 paragraph 22 of Achuthan et al. for reference to the specific prompt comprising a distinct ringing cadence, which is a ring that is different from a regular ringing tone).

With respect to claim 12, Achuthan et al. discloses that the priority caller information is a telephone number associated with a second telephone line that is used to initiate the incoming call (See page 2 paragraph 20 of Achuthan et al. for reference to the priority information being a source ID, for example a caller ID, which is the telephone number of a telephone line that is used to initiate an incoming call to the subscriber).

With respect to claim 13, Achuthan et al. discloses that the priority caller information is a priority code supplied by the calling party (See page 3 paragraph 25 of Achuthan et al. for reference to the source caller being prompted by a query to supply its identification, which is a priority code supplied by the calling party).

With respect to claim 14, Achuthan et al. discloses Achuthan et al. discloses a method of routing an incoming call from a calling party for a telephone of a subscriber (See page 2 paragraph 17 of Achuthan et al. for reference to routing a call to a

Art Unit: 2665

subscriber and alerting the subscriber of a call). Achuthan et al. also discloses associating a subscriber number with at least one priority caller number (See page 2 paragraph 20 and Figure 3 of Achuthan et al. for reference to a memory 122 storing a data structure 210 having fields that associate a user, or subscriber, ID, or number, 220 with a source caller ID, or number, 222 and with a priority ID field **224)**. Achuthan et al. further discloses storing the subscriber number and the at least one priority caller number in a database (See page 2 paragraph 20 and Figure 3 of Achuthan et al. for reference to storing the user ID field 220, the source ID field 222, and the priority ID field 224 in a data structure table 210 of memory 122). Achuthan et al. also discloses detecting the incoming call (See page 2 paragraph 22 and Figure 4 of Achuthan et al. for reference to detecting an incoming communication, or call, at step 300). Achuthan et al. further discloses consulting the database to determine whether the incoming call comprises the at least one priority caller number (See page 2 paragraph 22 and Figure 4 of Achuthan et al. for reference to searching the table 210 for an entry that identifies the source ID field 222 and corresponding priority ID field 224 of the incoming call at steps, 308 and 310). Achuthan et al. also discloses executing a priority action if the incoming call comprises the at least one priority caller number (See page 2 paragraph 22 and Figure 4 of Achuthan et al. for reference to if an entry is found in the table 210, generating the specific prompt, which is a priority action, that is specified by the table entry, at step 312).

Art Unit: 2665

With respect to claim 15, Achuthan et al. discloses that the priority action comprises playing a priority alert signal to alert the subscriber to the incoming call (See page 2 paragraph 22 of Achuthan et al. for reference to the specific prompt comprising a distinct ringing cadence, which is a ring that is used to alert the subscriber to the incoming call).

With respect to claim 21, Achuthan et al. discloses a method of routing an incoming call from a calling party for a telephone of a subscriber (See page 2 paragraph 17 of Achuthan et al. for reference to routing a call to a subscriber and alerting the subscriber of a call). Achuthan et al. also discloses associating a subscriber number with at least one priority code (See page 2 paragraph 20 and Figure 3 of Achuthan et al. for reference to a memory 122 storing a data structure 210 having fields that associate a user, or subscriber, ID, or number, 220 with a source caller ID, or priority code, 222 and with a priority ID field 224). Achuthan et al. further discloses storing the subscriber number and the at least one priority code in a database (See page 2 paragraph 20 and Figure 3 of Achuthan et al. for reference to storing the user ID field 220, the source ID field 222, and the priority ID field 224 in a data structure table 210 of memory 122). Achuthan et al. also soliciting the calling party for a priority code when the incoming call is received (See page 3 paragraph 25 and Figure 5 of Achuthan et al. for reference to sending back a query data message to a calling party requesting a calling party identification, or priority code, at step 322). Achuthan et al. further discloses receiving the priority code from the calling party (See page 3 paragraph 25 and Figure 5 of Achuthan et al. for

Page 7

Application/Control Number: 09/855,804

Art Unit: 2665

reference to determining if a source has provided a calling party identification in response to the query, at steps 306). Achuthan et al. also discloses consulting the database to determine whether the priority code matches any of the at least one priority code (See page 3 paragraph 25 and Figure 5 of Achuthan et al. for reference to determining if an entry corresponding to the supplied calling party identification matches an entry in table 210, at step 308). Achuthan et al. further discloses executing a priority action if the priority code matches one of the at least one priority codes (See page 3 paragraph 25 and Figure 5 of Achuthan et al. for reference to generating a specific prompt, which is a priority action, if it is determined that the supplied calling party identification matches an entry in table 210, at step 312).

With respect to claim 22, Achuthan et al. discloses that the priority action comprises playing a priority alert signal to alert the subscriber to the incoming call (See page 2 paragraph 22 of Achuthan et al. for reference to the specific prompt comprising a distinct ringing cadence, which is a ring that is used to alert the subscriber to the incoming call).

## Claim Rejections - 35 USC § 103

- 5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Application/Control Number: 09/855,804 Page 8

Art Unit: 2665

6. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harlow et al. (U.S. Pat. 5206901) in view of Achuthan et al.

With respect to claim 1, Harlow et al. discloses a system for routing an incoming call from a calling party for a telephone line of a subscriber (See column 3 lines 32-43 and Figure 1 of Harlow et al. for reference to a telecommunication system 100 for routing calls between telephones). Harlow et al. also discloses a service switching point associated with the telephone line (See column 3 lines 44-63 and Figure 1 of Harlow et al. for reference to SSP, or service switching point, 110 being associated with telephone lines of devices 111 and 112). Harlow et al. further discloses a service control point in communication with the service switching point (See column 4 lines 20-34 and Figure 1 of Harlow et al. for reference to service control point 170 providing a database for use by SSP 110, meaning SCP 170 is in communication with SSP 110). Harlow et al. also discloses that when the service switching point detects an incoming call, the service switching point launches a query comprising a subscriber number to the service control point (See column 4 lines 35-54 and Figure 1 of Harlow et al. for reference to SSP 110 recognizing an incoming call and sending a message, or query, through STP 160 to SCP 170 requesting instructions). Harlow et al. does not disclose that the service control point determines whether the calling party is a priority caller. Harlow et al. also does not disclose that the service control point returns a default response to the service switching point if the calling party is not a priority caller. Harlow et al. further does not disclose that the

Art Unit: 2665

service control point returns a priority response to the service switching point if the calling party is a priority caller.

With respect to claim 2, Harlow et al. does not disclose that the query further comprises priority caller information.

With respect to claim 3, Harlow et al. does not disclose that the priority caller information is a telephone number associated with a second telephone line that is used to initiate the incoming call.

With respect to claim 4, Harlow et al. does not disclose that the priority caller information is a priority code supplied by the calling party.

With respect to claim 5, Harlow et al. does not disclose that the default response comprises an instruction to terminate the call using a regular ringing tone and that the priority response comprises an instruction to terminate the call using a priority alert signal.

With respect to claims 1-5, Achuthan et al., in the field of communications, discloses a device that acts as a service control point as a part of a telecommunication network (See page 2 paragraph 17 and Figure 1 of Achuthan et al. for reference to prompter 106, which acts as a service control point, that may be integrated into a telephone network 108). Achuthan et al. also discloses that the prompter 106 determines whether the calling party is a priority caller (See page 2 paragraph 22 and Figure 4 of Achuthan et al. for reference to using a source ID to search a table 210 to determine if a calling party is a priority caller as identified by the fields of table 210, at step 308). Achuthan et al. further discloses returning a default response if the

Art Unit: 2665

calling party is not a priority caller (See page 3 paragraph 24 and Figure 4 of Achuthan et al. for reference to, if the priority information cannot be found in the table 210, using a generic prompt, which is a default response, that is specified by the table). Achuthan et al. also discloses returning a priority response if the calling party is a priority caller (See page 2 paragraph 22 and Figure 4 of Achuthan et al. for reference to, if the priority information is found in table 210, generating a specific prompt, or priority response, that is specified by the table entry). Achuthan et al. further discloses that the information received by the prompter 106 comprises priority caller information (See page 2 paragraph 22 and Figure 4 of Achuthan et al. for reference to arriving signals or messages identifying the source of the communication, at step 302, with the source ID being used as priority caller information). Achuthan et al. also discloses that the priority caller information is a telephone number associated with a second telephone line that is used to initiate the incoming call (See page 2 paragraph 20 of Achuthan et al. for reference to the priority information being a source ID, for example a caller ID, which is the telephone number of a telephone line that is used to initiate an incoming call to the subscriber). Achuthan et al. further discloses that the priority caller information is a priority code supplied by the calling party (See page 3 paragraph 25 of Achuthan et al. for reference to the source caller being prompted by a query to supply its identification, which is a priority code supplied by the calling party). Achuthan et al. also discloses that the default response comprises an instruction to terminate the call using a regular ring tone (See page 3 paragraph 24 of Achuthan et al. for reference

Art Unit: 2665

to a generic prompt, or default response, carrying no information other than that a communication is arriving, meaning that a regular ring tone is used). Achuthan et al. further discloses that the priority response comprises an instruction to terminate the call using a priority alert signal (See page 2 paragraph 22 of Achuthan et al. for reference to the prompt; or priority response, being a distinct ringing cadence, which is a priority alert signal). Identifying callers as priority or non-priority callers has the advantage of providing a subscriber of the service a greater amount of information about an incoming call than a traditional telephone system does by using personalized alerts (See page 1 paragraph 8 of Achuthan et al. for reference to this advantage).

It would have been obvious for one of ordinary skill in the art at the time of the invention, when presented with the work of Achuthan et al., to combine identifying callers as priority or non-priority callers, as suggested by Achuthan et al., with the system of Harlow et al., with the motivation being to provide a subscriber of the service a greater amount of information about an incoming call than a traditional telephone system does by using personalized alerts.

7. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harlow et al. in view of Achuthan et al. as applied to claims 1-5 above, and further in view of Jones (U.S. Pat. 5475748).

Art Unit: 2665

With respect to claim 6, the combination of Harlow et al. and Achuthan et al. does not disclose that the priority response comprises an instruction to initiate an outgoing call to another telephone.

With respect to claim 7, the combination of Harlow et al. and Achuthan et al. does not disclose that the another telephone is a wireless telephone.

With respect to claims 6-7, Jones, in the field of communications, discloses, in response to a priority determination, initiating an outgoing call to multiple telephones (See column 4 lines 2-26 and column 5 lines 24-48 of Jones for reference to initiating calls to multiple telephones and for reference to using prerecorded caller identifications to assign callers a priority as to which of the multiple telephones, if any, that a call should be sent to). Jones also discloses that one of the multiple phones is a wireless phone (See the abstract of Jones for reference to calling numbers of cellular phones, which are wireless phones). Initiating an outgoing calls to multiple telephones associated with a subscriber has the advantage of allowing a subscriber to receive important calls even if the subscriber is not located at the extension that was initially dialed by the caller (See column 4 lines 2-26 of Jones for reference to this advantage).

It would have been obvious for one of ordinary skill in the art at the time of the invention, when presented with the work of Jones, to combine initiating outgoing calls to multiple telephones associated with a subscriber, as suggested by Jones, with the system of Harlow et al. and Achuthan et al., with the motivation being to allow a

Art Unit: 2665

subscriber to receive important calls even if the subscriber is not located at the extension that was initially dialed by the caller.

8. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harlow et al. in view of Achuthan et al. as applied to claims 1-5 above, and further in view of Archer (U.S. Pat. 6683870).

With respect to claim 8, the combination of Harlow et al. and Achuthan et al. does not disclose establishing a communication session with a computer associated with the subscriber via a computer network.

With respect to claim 9, the combination of Harlow et al. and Achuthan et al. does not disclose that the communication session uses TCP/IP.

With respect to claim 10, the combination of Harlow et al. and Achuthan et al. does not disclose that the communication session is a voice-over-Internet protocol session.

With respect to claims 8-10, Archer, in the field of communications, discloses establishing a connection with a computer associated with a subscriber via a computer network, when a telephone associated with the subscriber is called (See column 8 line 43 to column 9 line 30 and Figure 2 of Archer for reference to in response to a dialed number establishing an IP connections with a computer 134a associated with the called party over a packet switched network 130). Archer also discloses that the communication uses TCP/IP (See column 8 lines 43-49 of Archer for reference to using TCP/IP). Archer further discloses that the communication is a

Art Unit: 2665

voice-over-Internet protocol session (See column 3 lines 4-10 of Archer for reference to a user being notified of a call through the user's computer and for reference to the user complete the call using a PC, meaning that the call uses a voice-over-Internet protocol session to receive the call through the Internet). Establishing a connection with a computer associated with a subscriber has the advantage of allowing a subscriber to be notified of an incoming call if they are on-line at a computer and not within range of a telephone (See column 3 lines 43-49 of Archer for reference to this advantage).

It would have been obvious for one of ordinary skill in the art at the time of the invention, when presented with the work of Archer, to combine establishing a connection with a computer associated with a subscriber, as suggested by Archer, with the communication system of Harlow et al. and Achuthan et al., with the motivation being to allow a subscriber to be notified of an incoming call if they are on-line at a computer and not within range of a telephone.

9. Claims 16-17 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Achuthan et al. in view of Jones.

With respect to claims 16 and 23, Achuthan et al. does not disclose generating at least one outgoing call to one or more telephones associated with the subscriber.

With respect to claims 17 and 24, Achuthan et al. does not disclose that the priority action comprises generating an outgoing call to a wireless telephone associated with the subscriber via a wireless telephone network.

Application/Control Number: 09/855,804 Page 15

Art Unit: 2665

With respect to claims 16-17 and 23-24, Jones, in the field of communications, discloses, in response to a priority determination, initiating an outgoing call to multiple telephones (See column 4 lines 2-26 and column 5 lines 24-48 of Jones for reference to initiating calls to multiple telephones and for reference to using prerecorded caller identifications to assign callers a priority as to which of the multiple telephones, if any, that a call should be sent to). Jones also discloses that one of the multiple phones is a wireless phone (See the abstract of Jones for reference to calling numbers of cellular phones, which are wireless phones). Initiating an outgoing calls to multiple telephones associated with a subscriber has the advantage of allowing a subscriber to receive important calls even if the subscriber is not located at the extension that was initially dialed by the caller (See column 4 lines 2-26 of Jones for reference to this advantage).

It would have been obvious for one of ordinary skill in the art at the time of the invention, when presented with the work of Jones, to combine initiating outgoing calls to multiple telephones associated with a subscriber, as suggested by Jones, with the method of Achuthan et al., with the motivation being to allow a subscriber to receive important calls even if the subscriber is not located at the extension that was initially dialed by the caller.

10. Claims 18-20 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Achuthan et al. in view of Archer.

Art Unit: 2665

With respect to claims 18 and 25, Achuthan et al. does not disclose establishing a communication session with a computer associated with the subscriber via a computer network.

With respect to claims 19 and 26, Achuthan et al. does not disclose that the communication session uses TCP/IP.

With respect to claims 20 and 27, Achuthan et al. does not disclose that the communication session uses voice-over-Internet protocol.

With respect to claims 18-20 and 25-27, Archer, in the field of communications, discloses establishing a connection with a computer associated with a subscriber via a computer network, when a telephone associated with the subscriber is called (See column 8 line 43 to column 9 line 30 and Figure 2 of Archer for reference to in response to a dialed number establishing an IP connections with a computer 134a associated with the called party over a packet switched network 130). Archer also discloses that the communication uses TCP/IP (See column 8 lines 43-49 of Archer for reference to using TCP/IP). Archer further discloses that the communication is a voice-over-Internet protocol session (See column 3 lines 4-10 of Archer for reference to a user being notified of a call through the user's computer and for reference to the user complete the call using a PC, meaning that the call uses a voice-over-Internet protocol session to receive the call through the Internet). Establishing a connection with a computer associated with a subscriber has the advantage of allowing a subscriber to be notified of an incoming call if they are on-

Art Unit: 2665

line at a computer and not within range of a telephone (See column 3 lines 43-49 of Archer for reference to this advantage).

It would have been obvious for one of ordinary skill in the art at the time of the invention, when presented with the work of Archer, to combine establishing a connection with a computer associated with a subscriber, as suggested by Archer, with the communication method of Achuthan et al., with the motivation being to allow a subscriber to be notified of an incoming call if they are on-line at a computer and not within range of a telephone.

#### Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cao et al. (U.S. Application 10/806313) discloses alerting a subscriber with a call on multiple lines when a priority e-mail is received from a priority e-mail sender. Pinder et al. (U.S. Pat. 6701160) discloses a device with a call blocking feature that has lists that may be used to select priority callers that are not blocked even when the call blocking feature is activated. Schneyer et al. (U.S. Pat. 5388150) discloses a system and method for alerting a subscriber of a particular caller by specific priority ringing tones.

Art Unit: 2665

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason E Mattis whose telephone number is (571) 272-3154. The examiner can normally be reached on M-F 8AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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HUY D. VU

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